GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition and Excise Department – Request of Sri M.Vinay Babu, Prohibition & Excise Inspector for declaration of probation within the normal period in the cadre of Prohibition & Excise Inspector by relaxing rule 16 (h) of Andhra Pradesh State and Subordinate Services Rules, 1996 – Orders of APAT in O.A. No.7190/2014 - Relaxed - Orders – Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 135 **Dated: 20-03-2018**

Read the following:

1. G.O.Rt.No.2083, Revenue (Ex.I) Department, dt.13.11.2008.
2. From Sri M. Vinay Babu, Prohibition & Excise Inspector, IV Zone, SHO, Tirupathi Rural, representation, dt.20.11.2014.
3. Govt. Memo No.34686/Ex.I(1)/2014, dt.29.06.2015.
4. From the Hon'ble APAT, Hyderabad, orders in O.A.No.7190/2014 filed by Sri M. Vinay Babu, Prohibition & Excise Inspector, Tirupati, Chittoor District, Dt. 13.04.2017.

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O R D E R:

Sri M. Vinay Babu, Prohibition & Excise Inspector, Zone-IV, SHO, Tirupathi Rural was directly recruited as Prohibition & Excise Inspector through APPSC and joined in service on 02.11.1996. As such, he was required to pass all the prescribed departmental tests within the period of probation commencing from 02.11.1996. The normal probation period of the individual was upto 01.11.1999 (3 years) since under Rule 5 of the Andhra Pradesh Excise Service Rules, every direct recruit shall be on probation for a total period of 2 years on duty within a continuous period of 3 years. However, the applicant passed the last Departmental Test i.e., Account Test for Subordinate Officers Part-I held on 02.11.2004 i.e., beyond the period of his probation. The failure of the applicant to pass the prescribed Departmental Tests within the period of probation attracts the penal provision contained in Rule 16 (h) of A.P. State and Subordinate Service Rules, 1996.

2. Hence, Government, in the reference first read above extended the period of probation of the individual till 27.01.2005 and ordered that the individual shall be deemed to have commenced his probation in the category of Prohibition & Excise Inspector w.e.f. 28.01.2003 F.N ie., two years anterior to the date of passing of the last departmental test. In view of such extension of probation, the applicant is eligible for seniority in the cadre of Prohibition & Excise Inspector w.e.f. 28.01.2003 under Rule-16 (h) of A.P. State and Sub-Ordinate Service Rules, 1996.

3. In his representation in the 2nd read above, Sri M. Vinay Babu, Prohibition & Excise Inspector stated that basing on the orders of the Hon'ble APAT in O.A.No.1710/2008, O.A.No.3800/2008, Government issued orders, vide G.O.Ms.Nos.105, 106, and 107, Revenue (Ex.I) Department., Dt.16.02.2013 by relaxing Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 in favour of Smt. K. Sridevi, Prohibition & Excise Inspector, Zone -III, Sri K. Shankariah, Prohibition & Excise Inspector, Zone- V and Sri B. Srinivasulu, Prohibition & Excise Inspector of Zone-I by invoking the powers of relaxation conferred under Rule 31 of the said rules and requested to relax Rule 16 (h) of A.P. State & Sub-ordinate Service Rules,1996 in favour of him, since he has not passed departmental tests during prescribed period of probation.

(PTO)

4. The Hon'ble Tribunal, in its interim orders, dated.30.12.2014 in O.A.No.7190/2014 filed by Sri M. Vinay Babu has made the following orders:

> "Pending disposal of the O.A., the 1st respondent (i.e., the Prl. Secy. (CT&Ex)) is directed to dispose of the representation of the applicant, dated 20.11.2014 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order."

5. In the reference 3rd read above, the Government after careful examination of the matter keeping in view the interim orders, dated.30.10.2014 and 30.12.2014 of the Hon'ble High Court in W.P.Nos.32689 & 40739 of 2014, rejected the request of Sri M. Vinay Babu, Prohibition & Excise Inspector, Zone-IV, SHO, Tirupathi Rural, as it is not feasible for consideration, as per rules.

6. The Hon'ble APAT, Hyderabad have allowed the OA No.7190/2014, by its orders, dt.13.04.2017. The operative portion of the judgment is as under:

> "In view of the discussion and facts and circumstances of the case, it is considered view that the applicant is also entitled for the benefit of commencement of probation from the original date of appointment in the post and entitled for the same benefit given to similar persons in G.O.Ms.No.105, 106 and 107, dt.16.02.2013. As a consequence to the above orders, the Memo No.34686/Ex.I(1)/2014, dt.29.06.2015 is hereby set aside and the respondents shall pass appropriate orders as declared above giving the benefits of date of initial appointment of the applicant as the date of commencement of probation, within a period of eight weeks from the date of receipt of a copy of this order."

7. Government have examined the orders of APAT, Hyderabad in OA No.7190/2014, and observed that orders were issued in G.O.Ms.No.105, 106 and 107, Revenue (EX.I) Department, dt.16.02.2013, relaxing the rule 16 (h) of the Andhra Pradesh State and Sub-ordinate Service Rules, 1996 in favour of Smt. K. Sridevi, Sri K. Shankariah and Sri B. Srinivasulu, Prohibition & Excise Inspectors and declared that they shall be deemed to have completed their probation within normal period of probation in the cadre of Prohibition and Excise Inspectors, subject to outcome of the common orders of Hon'ble High Court of Andhra Pradesh in W.P.M.P.No.802, 1349 and 1380 of 2012 in W.P.No.653, 1095 and 1115/2012, dt.04.12.2012 and WP No.32689/2014, dt.30.10.2014 and WP No.40739/2014, dt.30.12.2014 and the said Writ Petitions are still pending in the Hon'ble High Court of Andhra Pradesh. In view of the specific circumstances of the case and orders of Hon'ble APAT., the Government have decided to relax Rule 16 (h) of A.P. State & Subordinate Service Rules in favour of Sri M.Vinay Babu, S/o M.S. Prakasam, Prohibition & Excise Inspector, Tirupathi (Rural), Tirupathi, Chittoor District by invoking the powers of relaxation conferred under Rule 31 of A.P.State & Subordinate Services Rules, 1996 in supersession of orders issued in G.O.Rt.No.2083, Revenue (Ex.I) Department, dt.13.11.2008 on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013.

8. Accordingly, in supersession of orders issued in G.O.Rt.No.2083, Revenue (Ex.I) Department, dt.13.11.2008, Government hereby order to relax Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 in favour of Sri M.Vinay Babu, S/o. M.S. Prakasam, Prohibition & Excise Inspector, Tirupathi (Rural), Tirupathi, Chittoor District and to declare that he shall be deemed to have competed his probation within the normal period of probation in the cadre of Prohibition & Excise Inspector on par with similarly

(Contd…3)

situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013 and to treat the seniority of the applicant as per ranking assigned by the APPSC in the cadre of Prohibition & Excise Inspector; subject to outcome of W.P.Nos.653, 1095 and 1115/2012, and W.P No.32689/2014, and WP No.40739/2014.

9. The Commissioner of Prohibition and Excise, A.P., shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.8-82B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
Sri M.Vinay Babu, Prohibition & Excise Inspector, Tirupathi (Rural),
Tirupathi, Chittoor District**.(through the CPE., AP.)**

Copy:
The Government Pleader for Revenue (Ser.)., APAT., Hyderabad.
The PS to Minister (Prohibition & Excise)
The PS to Chief Secretary to Government.
The PS to Spl.C.S. to CM.
The PS to Spl.C.S to Government (P&E)
Sf/Sc.

//FORWARDED::BY ORDER //

SECTION OFFICER.